THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 4th day of July,2007

W.P.No.9462 of 2002

Between:-

Mohd. Iqbal … Petitioner

and

Station House Officer,
Dabeerpura P.S., Hyderabad
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9462 of 2002

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the 1st respondent in registering F.I.R.No.63 of 2002 as arbitrary, illegal and amounts to abuse of process of law.

The very nature of the complaint, which is registered as F.I.R. No.63 of 2002 on the file of Dabeerpura Police Station, Hyderabad, shows that the petitioner broke open the locks of the mulgi without the knowledge of the 2nd respondent-tenant and destroyed the material, which was worth of Rs.3.5 lakhs and some material was not found in the shop; therefore, requested to take action against him. It is the case of the petitioner that the brother of Khaja Maskhati - complainant was the tenant and Khaja Maskhati is nothing to do with his mulgi. Even otherwise, the dispute is only civil in nature. Therefore, registering the FIR does not arise.

In the facts and circumstances of the case, I am of the opinion that the complaint is not made as to the dispute of tenancy etc. The complaint is made that the locks of the shop were broke open by the owner-petitioner herein without the consent of the 2nd respondent. Therefore, it cannot be said that the dispute is only civil in nature and as such, the FIR could not have been registered. The Writ Petition is devoid of any merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

04-7-2007

prk